

Historical houses

DUXBURY HISTORIC DISTRICTS BY-LAW

Section 1. Title

This By-Law shall be known and may be cited as the HISTORIC DISTRICTS BY-LAW under the authority of Massachusetts General Laws, Chapter 40C, as amended.

Section 2. Purpose

The purpose of this By-Law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town, or its architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith. Regulations may be promulgated by the Historic Districts Commission in accordance with the provisions of Chapter 40C of the Massachusetts General Laws, as amended, in order to fulfill the purposes of this By-Law.

Section 3. Establishment of Historic Districts

a. King's Highway Historic District

There is hereby established an Historic District entitled the "King's Highway Historic District," the boundaries of which shall be as shown on the map entitled "King's Highway Historic District" which accompanies and is hereby made a part of this By-Law.

b. Other Historic Districts

Other Historic Districts within the Town may be established from time to time in accordance with the procedures set forth in "Chapter 40C of the Massachusetts General Laws," as amended from time to time.

Section 4. Membership of the Historic District Commission

The Duxbury Historic District Commission, hereinafter referred to the District Commission, shall consist of seven (7) members appointed by the Selectmen.

The membership of the District Commission shall be made up as follows:

One member who is selected from two (2) nominees whose names are submitted by the American Institute of Architects; one member, if possible, who is selected from two (2) nominees whose names are submitted by the

- b. The word "constructing" shall include the terms "building, erecting, installing, enlarging and moving;"
- c. The word "building" shall mean a combination of materials forming a shelter for persons, animals or property;
- d. The word "structure" shall mean a combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk or driveway, tennis court and swimming pool;
- e. The words "exterior architectural feature" shall mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public yards or water body, including but not limited to the architectural style, design and siting, the kind and texture of exterior building materials, type and style of windows, doors, lights, signs and other appurtenant exterior fixtures, and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures;
- f. The term "Historic District" or "Historic Districts" shall mean the established "Historic Districts in the Town, collectively;"
- g. The word "Commission" shall mean the Duxbury Historic District Commission acting as such.

Section 6. Administration of Historic Districts

No building or structure within the Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features and no building shall be moved into an Historic District unless the Commission shall first have issued a Certificate of Appropriateness, a Certificate of Hardship or a Certificate of Non-Applicability with respect to such construction, alteration or movement. The building inspector shall not issue a permit within an Historic District unless one of the certificates noted above has been issued first by the District Commission or the proposed improvement is exempted from the provisions by Section 7.

Any person who desires to obtain a certificate from the Commission shall file with the Commission an application therefor in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material or other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may

be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

Section 7. Factors Considered by Commission in Making Determination on Application for Certificate

In passing on matters before it the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by other applicable laws or by-laws. The Commission shall not consider interior arrangements or architectural features not subject to public view.

The Commission shall not make any recommendation or impose any requirement, except for the purpose of preventing changes or developments incongruous with the historic aspects or the architectural characteristics of an historic district.

Section 8. Exemptions to Review

The authority of the District Commission is not extended to the review of the following:

- a. Temporary signs or structures subject to requirements of the local zoning code and/or planning board;
- b. Terraces, walks, driveways, sidewalks and other similar structures provided that the structure is at grade level with the qualification that on-grade areas intended for parking more than four motor vehicles are subject to review by the Historic District Commission to assure that adequate planting, earth berms, walls or similar structures are implemented to screen or regulate the physical scale of the areas and to minimize their visual impact as viewed from public ways;
- c. Storm doors and windows; screen doors and windows; window air conditioners, antennas and similar appurtenances, any one or more of them with the qualification that free-standing lighting fixtures are subject to review by the Historic District Commission;
- d. Color of paint or stain;

- e. Signs used for residential occupation or professional purposes which are not more than one foot square in area, provided that:
 - (1) Only one sign is displayed for each buldihng or structure;
 - (2) The sign consists of letters painted on wood without a symbol or trademark; and
 - (3) If illuminateed, is illuminated only indirectly.
- f. Reconstructions of a building, structure or exterior architectural feature which has been damaged or destroyed by fire, storm or other disaster, provided that:
 - (1) The exterior design is substantially similar to the original;
 - (2) The reconstruction is begun within two (2) years after the damage occurred and is carried on with "due diligence;"
 - (3) Replacement of roofing components shall match as nearly as possible the original materials and new materials colored other than in the sea green, black, gray or slate ranges shall be subject to review by the Historic District Commission. Use of roof solar heating panels are similarly subject to Commission review;
 - (4) Reconstructions utilize the original foundations placed in the same location so as to respect the character of the massing of the original volume(s). The authority of the Commission is limited to the exterior architectural features within the District which are visible from one or more designated public streets, public ways, public forests or public water bodies.

Section 9. Power of the District Commission

The Historic District Commission shall have all the powers of an Historic District Commission as described in Chapter 40C of the Massachusetts General Laws. The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with Chapter 40C of the General Laws, or with the purpose of this By-Law.

The Historic District Commission may receive and accept appropriations, grants and gifts for furthering of the purposes of this By-Law.

The Historic District Commission shall propose changes in Duxbury Historic District boundaries as it deems appropriate. Massachusetts General Laws, Chapter 40C, will guide the procedures for these activities.

Section 10. Severability

In case any section, paragraph or part of the By-Law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 11. Schedule of Fees

A filing fee shall be included with all applications for permits (except applications for a Certificate of Non-Applicability), to be computed as follows: Twenty (\$20.00) dollars or 1/10 of one (1%) percent of the cost of the proposed exterior renovations, whichever is higher.

Section 12. Appeals to and Enforcement by the Superior Court

Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court for Plymouth County, in accordance with the provisions of Chapter 40C, Section 12A, of the Massachusetts General Laws.

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.